

CANUCK LAW

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MAY 1, 2017 BY RONNIE

Supreme Court of Canada Affirms Protections for Self Represented People



You Counsel



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April 23, 2017 — The Supreme Court of Canada has affirmed the protection for self represented persons and accused people

Based on the 2006 Statement of principles from the Canadian Judicial Council, the SCC has enshrined these principles into law. See [here](#), [here](#), [here](#), and [here](#).

STATEMENT:

Judges, the courts and other participants in the justice system have a responsibility to promote

access to the justice system for all persons on an equal basis, regardless of representation.

PRINCIPLES:

1. Judges and court administrators should do whatever is possible to provide a fair and impartial process and prevent an unfair disadvantage to self-represented persons.
1. Self-represented persons should not be denied relief on the basis of a minor or easily rectified deficiency in their case.
2. Where appropriate, a judge should consider engaging in such case management activities as are required to protect the rights and interests of self-represented persons. Such case management should begin as early in the court process as possible.
3. When one or both parties are proceeding without representation, non-prejudicial and engaged case and courtroom management may be needed to protect the litigants' equal right to be heard. Depending on the circumstances and nature of the case, the presiding judge may:
 - (a) explain the process;
 - (b) inquire whether both parties understand the process and the procedure;
 - (c) make referrals to agencies able to assist the litigant in the preparation of the case;
 - (d) provide information about the law and evidentiary requirements;
 - (e) modify the traditional order of taking evidence; and
 - (f) question witnesses.

This is great news, as Justices/Judges/Masters/JP are now obligated to go the extra mile in assuring fair process for those accused and self representing.

Self representing is an intimidating process, but levelling the field should go a long way to ensure better access to justice. It should not be only for those who can spend lots of money on a lawyer, or who are able to spend huge amounts of time learning the law.

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